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Read 16 Jan. 1768.

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Enacted 8 Geo III Private Act
c. 67

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*For dividing and inclosing the Open Arable
Fields, Meadows, Pastures, Commons,
and Grounds, within the Township of
Snainton, in the Parishes of Brompton
and Ebberston, in the North Riding of
the County of York.*

WHEREAS there are within the Township of Preamble.
Snainton, in the Parishes of Brompton and Ebberston,
in the North Riding of the County of York, several
Fields, Lands and Grounds, called by the several
Names of the *East Field*, the *West Field*, the *Middle
Field*, the *Bottoms*, the *Ings*, the *High Commons*, the
Low Commons, the *Carr*, and other Names, containing by Compu-
tation three thousand Acres, or thereabouts, which all lie open and
uninclosed.

A

And

And whereas *John Hill*, Esq; as Lessee under the Crown, of the Honor of *Pickering*, in the said County of *York*, is Chief Lord, or Lord Paramount of the Manor of *Snainton*, lying within the said Honor, which is Parcel of the ancient Duchy of *Lancaster*, and keeps a Court at *Snainton* Twice in every Year.

And whereas *Sir George Cayley* Baronet, and *Boynton Langley* Esq; are seised or intitled to some Estate of Freehold or Inheritance, as Tenants in common, of and in a Freehold Manor in the said Township, called the Manor of *Snainton*, which is comprized within, and held of the said Honor and Manor of *Pickering*, or one of them; and the said *Sir George Cayley* is also seised of, or intitled to, as aforesaid, in Severalty, divers Lands and Tenements in the said Township of *Snainton*; and the said *Sir George Cayley* is also Owner and seized of a certain Dwelling-house in *Brompton* aforesaid, called *Westrup*, otherwise *West-hall*, in respect whereof he has a Right to twelve Beast-² gates in a Place within the said Township called *Snainton Carr*, and is also intitled to certain Lands in the Fields of *Snainton* aforesaid, which are exempt from Payment of Tythes.

And whereas there are One hundred and four Oxgangs and some odd Lands, within the said Township of *Snainton*, and several old Inclosures, and seventy-eight Common-right Houses, Cottages or Frontsteads; eighty-four of which Oxgangs, and sixty-four of the said Common-right Houses, Cottages or Frontsteads, lie in the Parish of *Brompton*; and the Reverend *John Cayley* of *Brompton* aforesaid, Clerk, is intitled, in his own Right, to the Inheritance of all the Tythes, Great and small Oblations, Obventions, and all other Ecclesiastical Dues, (except Surplice Fees) coming, growing or arising, in or upon the said eighty-four Oxgangs, and sixty-four Houses or Frontsteads, lying within the said Township of *Snainton* and Parish of *Brompton*; also to the Tythes of all the old Inclosure lying within the said Township of *Snainton* and Parish of *Brompton* aforesaid; and is also intitled to several Lands or Tenements in the Open Fields or Grounds of *Snainton* aforesaid. The remaining twenty Oxgangs of Land are called the Deanery Lands, and together with other Grounds, and fourteen of the said Common-right Houses, Cottages or Frontsteads, lie in the Parish of *Ebberston*; the Tythes of which twenty Oxgangs, and of some other Grounds in *Snainton*, that lie within the Parish of *Ebberston*, belong³ to *Sir George Osborn* Baronet, as Lessee for Lives under the said Dean of *York*.

And whereas the Reverend Mr. *James Nelson* is Curate of *Brompton*, but is only intitled to a pecuniary Stipend, (which is paid by the said



said Sir *George Cayley* and *John Cayley*) and to Surplice Fees; and the Reverend Mr. *George Dodsworth* is Curate or Minister of *Ebberston*, and as such is intitled to some petty Tythes of such of the Common-right Houses and Garths which lie within the Parish of *Ebberston*, for which he usually receives a yearly Sum, but in lieu thereof, and of the same Tythes, he is to have an Allotment in Land, as herein after mentioned. He is also intitled to Surplice Fees arising within the same Parish.

And whereas the Residue of the Lands, Grounds, Messuages, Cottages and Frontsteads, within the said Township of *Snainton*, belong to *Fountayne Wentworth Osbaldeston* Esquire, *Lilliston Thompson* Esquire, and divers other Persons :

And whereas the Lands and Grounds of the several Owners and Proprietors of the said Open Fields, Lands and Grounds, in the said Township of *Snainton*, lie dispersed in small Parcels, and so intermixed, that in their present Situation they are incapable of Improvement; but if the same were divided, and specific Shares allotted to the several Persons interested therein, it would tend greatly to the Improvement of their several Estates.

4 *May it therefore please Your M A J E S T Y,*

That it may be **Enacted**, and be it **Enacted**, by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Outram*, Commissioners. of *Burton Agnes*, in the County of *York*, *John Cleaver* of *Castle Howard*, in the said County, and *Robert Bewley*, the younger, of the City of *York*, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for setting out, dividing, apportioning and allotting the said Open Fields, Lands and Grounds, and for putting this Act in Execution, in Manner, and subject to the Rules, Orders and Directions, herein and hereby ordered, directed and prescribed.

And be it further Enacted, by the Authority aforesaid, That no Person shall (except in administering the Oath following) act as Commissioner for any of the Purposes of this Act, unless he shall first take and subscribe the Oath following, before any One or more of the said Commissioners, who is and are hereby authorized to administer the same: (that is to say)

I A. B.

Their Oath.

I A. B. do swear, that I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities established by an Act made in the Eighth Year of the Reign of his Majesty King George the Third, for dividing and inclosing the Open Arable Fields, Meadows, Pastures, Commons and Grounds, within the Township of Snainton, in the Parishes of Brompton and Ebberston, in the North Riding of the County of York.

Which Oath, so taken and subscribed by each Commissioner, shall be inrolled at the same Time and Place that the Award hereinafter mentioned shall be inrolled.

Survey.

And for the more just and regular Division and Distribution of the Lands and Grounds so to be divided as aforesaid, and for the better ascertaining the same, **It is hereby Enacted and Declared**, by the Authority aforesaid, That all the Open Fields, Meadows, Pastures, Commons and Grounds, hereby intended to be divided and inclosed, and all the old Inclosures within the said Township of Snainton, shall be surveyed and measured by *John Foord*, of *East Ayton*, in the County of *York*, Surveyor, or such other Person as shall be elected in Manner hereinafter mentioned in his Room or Place, in case he happen to die, or refuse to act as Surveyor: And such Survey and Admeasurement shall be reduced into Writing, and the Number of Acres, Roods and Perches, belonging to each and every Proprietor, contained in the said Fields, Meadows, Pastures, Commons and Grounds, and old Inclosures, shall therein be set forth, ascertained and declared; and that the said Survey and Admeasurement shall be laid before the said Commissioners, or any Two of them, within Four Calendar Months next after the Passing of this Act, or so soon after as conveniently may be, at some or one of their Meetings to be had pursuant to this Act.

Commissioners to settle the Value of the Tythes.

And be it further Enacted, That the said Commissioners, or any Two of them, shall have full Power and Authority, and they are hereby authorized and required, within Twelve Calendar Months after such Survey shall be laid before them, or as soon after as conveniently may be, to examine into, settle and determine, the yearly Value, as near as they can, of all the Tythes and Ecclesiastical Dues yearly growing, coming, arising or increasing in, upon, from or out of all and every the tythable Messuages, Cottages, Fields, Commons, Ings, Lands and Grounds, and old Inclosures, and other Tythable Places within the said Township of *Snainton*, (other than and except the Tythes arising from a Parcel of Ground in the Parish of *Brompton*, called *Howl Ings*, now lying open, in Lieu of which

which Tythes Lands were formerly set apart; and also except the Tythes arising from such Lands within the said Township of *Snainton* and Parish of *Brompton*, as are exempt from Payment of Tythes; and except Surplice Fees arising in the said several Parishes): And after the said Commissioners, or any Two of them, have settled and ascertained the yearly Value of the said Tythes, (except as aforesaid) 7 than they, or any Two of them, shall assign, set out and allot unto and for the said *John Hill*, as Lessee of the Honor of *Pickering* aforesaid, and to his Majesty, his Heirs and Successors, and his and their Lessees and Assigns for the Time being of the said Honor, and in Right thereof, One full and equal Twentieth Part, the whole to be divided into Twenty equal Parts, of all the *High* and *Low Commons* within the said Township of *Snainton*, in Lieu and Satisfaction of all Right and Claim of the said *John Hill* and the Crown, in or to the Soil of any Lands or Grounds within the said Lordship or Township of *Snainton*, hereby intended to be divided or allotted as aforesaid; and shall then assign, set out and allot unto and for the said *John Cayley*, his Heirs and Assigns, and unto and for the said Sir *George Osborn*, his Executors, Administrators and Assigns, during his said Lease; and afterwards to and for the said Dean of *York*, and his Successors, Lessees or Assigns; and also unto and for the said *George Dodsworth*, and his Successors, Curates or Ministers of *Ebberston* aforesaid, severally and respectively, in Lieu of, and full Compensation and Satisfaction for all their said Tythes, to be valued as aforesaid, (except as aforesaid) such Parts, Shares and Proportions, of the said Fields, Lands and Grounds, so intended to be divided and inclosed, as in the Judgment of the said Commission- 8 ers, or any Two of them, shall be equivalent to their respective Parts, Shares and Interests in the said Tythes, to be valued as aforesaid (save that no Land shall be allotted in respect of the Value of Tythes arising from such of the old Inclosures in the said Township, whose Owners shall appear in Manner herein after mentioned, to have no Part, Right or Share in the Fields, Lands and Grounds so intended to be divided and inclosed; but such Owners shall pay such Rent or Rents in Lieu of the Tythes of such old Inclosures last mentioned, as the said Commissioners, or any Two of them, shall settle and determine as herein after mentioned; so as the Allotment for the said *John Cayley*, in the *High Common*, be on the West Side thereof, with the Privilege of the Water called *Troutdalebeck*: And in the next Place, to assign, set out and allot unto the said Sir *George Cayley*, in Lieu of the said twelve Beast Gates belonging to him, in respect of the said House, called *Westrup*, otherwise *West Hall*, so much Ground in the said *Low Common* as in the Judgment of the said Commissioners, or any Two of them, shall be equal to two Common-Rights in the said *Low Commons* only: And in the next Place, after such Allotments as aforesaid, to divide, set out, allot and assign, all the Residue of the

Allotments.

said Common called the *Low Common*, unto, between and amongst all the several Owners and Proprietors of Messuages, Cottages, Front- 9
steads, old Inclosures, and other Lands, or such of them who at the Time of making such Allotments shall be intitled to any Estate, Share, Right or Interest therein, in Proportion to such their respective Estates, Shares, Rights and Interests, and the said Commissioners, or any Two of them, shall lay the Residue of the said *High Common* as a Common Pasture, and to be fenced and stocked, used and enjoyed by the said several Owners and Proprietors having Right of Common or other Interest therein, according to such their respective Interests therein, and the said Commissioners, or any Two of them, shall assign, set out, divide and allot all the Residue and Remainder of the said Open Fields, Meadows, Pastures, Commons and Grounds, intended to be divided, unto, between and amongst the said Sir George Cayley, John Cayley, Lilliston Thompson, Fountayne Wentworth Osbaldston, and other the Owners, Proprietors, and Persons interested in the said Fields, Lands and Grounds, so intended to be divided as aforesaid, in Proportion to their several and respective Shares, Rights and Interests therein, in such Plot and Plots, Quantities, Parts, Shares and Proportions, as the said Commissioners, or any Two of them, shall adjudge and determine, to be a full Compensation and Satisfaction for, and equal and equivalent to, their several and respective Rights, Shares and Interests therein, (and most just and equal) the said Commissioners, 10
in making their Allotments, having a due Regard, as well to the Quantity, Quality, Value and Situation of the Lands and Grounds now belonging to each Proprietor and Person interested therein, as to the Quantity, Quality, Value and Situation of the Lands and Grounds so to be allotted, to and for whom the same shall be respectively assigned and allotted.

Provided always, and be it further Enacted, by the Authority aforesaid, That the Allotment to be made to the said John Hill, as Lessee of the Honour of *Pickering* aforesaid, in the said *Low Common*, shall be made so as to adjoin to the present Fence of certain Grounds of the said John Hill in *Brompton* aforesaid, called the *West Carr*; and that such Part of the Allotment which shall be made to him the said John Hill, in the Right aforesaid, in the said *High Common*, shall be in that Part thereof which is called *Moor some*, and shall adjoin to the Fence Wall of the Ground of the said John Hill in *Brompton*, called *Moor some*; and the Remainder of his Allotments in the said *High Common* shall adjoin to the last mentioned Allotment; and all the said Allotments shall be clear and free of all Tythes, great and small, and also clear and free from all Roads to or over the same, and shall be fenced off from the adjoining Lands and Grounds in the said Township of *Snainton* by a Stone Wall; one Half of the Expence 11
whereof

whereof shall be borne by him the said *John Hill*, and the other Half by the other Proprietors within the said Township, (except the Owners and Proprietors of Tythes) within such Time, and in such Manner as shall be directed and appointed by the said Commissioners, or any Two of them, and specified and ascertained by the Award hereafter mentioned.

And be it further Enacted, by the Authority aforesaid, That for the Purpose of setting out the said Allotments to and for the said *John Hill* as aforesaid, and for no other Purpose contained in this Act whatsoever, *Mark Staines* the younger of *Thornton*, in the said County of *York* Yeoman, shall be added to the other Commissioners for putting this Act in Execution; and that the said Allotments shall be made in such Manner, as the said *Mark Staines* and the said other Commissioners, or any Three or more of them, shall ascertain, order and direct.

Provided likewise, and be it further Enacted, by the Authority aforesaid, That the Allotment and Allotments to be made as aforesaid, to the said *Sir George Osborn*, as Lessee of the said Dean of *York*, shall be set out so as to adjoin upon *Ebberston* Field, and as near to *Ebberston* Town as conveniently may be, below the Hill, and with the Convenience of Water to the said Allotment or Allotments.

And whereas the Reverend *Mark Sykes*, Doctor in Divinity, is 12 possessed of and intitled to a Parcel of Ground within the said Township, in a Place called *Milholme*, containing Eighteen Acres or thereabouts, and to another Parcel of Ground, lying in a Place called the *Bull Ing*, containing Two Acres or thereabouts; Be it therefore Enacted, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall, and they are hereby impowered and required, to set out and allot to and for the said *Mark Sykes*, and his Heirs, such Parcel of Ground in the *Milholme*, and Grounds thereto adjoining, between the Banks of the *Greater* and *Lesser Darwent*, as Quantity and Quality considered, shall, in the Judgment of the said Commissioners, or any Two of them, be a full Equivalent for his the said *Mark Sykes's* Right, Estate and Interest aforesaid, free from all Right of Common, with such and the same Exemption from Tythes, as the said Estate of the said *Mark Sykes* now is, and no other, any Thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall have Power and Authority, and are hereby required within Twelve Calendar Months after Tythe Rent for Old Inclosures, having no Fines, &c.

after such Survey shall be laid before them as aforesaid, or so soon after as conveniently may be, to settle, ascertain and appoint, to be paid to the several and respective Tythe Owners of the Tythes arising from the several and respective Old Inclosures within the said Township of *Snainton*, whose several and respective Owners have no Part or Share in the Fields, Lands and Grounds hereby intended to be divided and inclosed, such several yearly Rents to be respectively issuing out of such Old Inclosures last mentioned respectively, in lieu and full Satisfaction and Compensation of all manner of Tythes in Kind, arising or to arise from the same respectively, as they the said Commissioners, or any Two of them, shall judge to be equivalent to the respective yearly Values of the Tythes in Kind arising from such several Old Inclosures; which several yearly Rents shall be respectively paid by the several and respective Owners of such Old Inclosures, which shall respectively be charged therewith by Two equal Half-yearly Payments, on the Tenth Day of *October* and the Fifth Day of *April*, in every Year for ever, free from all Taxes and Deductions whatsoever (except Land-Tax, in Proportion with other Lands and Tenements in the said Township) the first Half-yearly Payment of the said several and respective yearly Rents to begin and be made on such of the said Days and in such Year as they the said Commissioners, or any Two of them, shall appoint.

For Recovery
of the Tythe
Rents.

And be it further Enacted, That if any of the yearly Rents to be settled and ascertained as aforesaid, or any Part or Parts thereof respectively, shall be in Arrear and unpaid by the Space of Thirty Days next after any of the Days or Times of Payment hereby directed and appointed, then, and so often, it shall and may be lawful to and for the Person or Persons respectively, to whom such respective Rent or Rents or Part thereof so in Arrear shall belong, to enter and distrain upon the specific Lands to be charged therewith respectively as aforesaid, or into any Part or Parts thereof respectively in the Name of the whole, and the Distress and Distresses from Time to Time found and taken, to lead, drive, carry away, impound and sell, or otherwise dispose of according to the Laws now in Force concerning Distresses for Rent reserved upon Leases for Years; and also if it shall happen that any of the said yearly Rents, or any Part or Parts thereof, shall be behind and unpaid by the Space of Sixty Days next after any of the said Days hereby limited and appointed for Payment thereof, and no sufficient Distress be upon the Premises charged therewith, then and so often it shall and may be lawful to and for the Person or Persons to whom such respective Rent or Rents, or Part thereof so in Arrears shall belong, into and upon the specific Lands to be charged therewith respectively, or into or upon any Part thereof in the Name of the Whole, to enter and take the Rents and Profits of such specific Lands, or Part thereof, to his or their own Use, until thereby or therewith, or otherwise

wise all Arrears of such Rent or Rents as shall be so behind and unpaid, and all Costs, Charges, Damages and Expences sustained or incurred by reason of the Non-payment thereof, shall be fully paid, satisfied and discharged.

And be it further Enacted, by the Authority aforesaid, That the ^{Roads.} said Commissioners, or any Two of them, shall have Power and Authority, and are hereby required to set forth all manner of Ways both publick and private within the said Open Fields, Meadows, Pastures, Commons and Grounds, so intended to be divided and inclosed, so as all publick Highways or Roads so to be set out shall be of the Breadth of Sixty Feet at least between and exclusive of the Ditches; and also to set forth, order and appoint, all the Ditches, Fences, Drains, Watercourses, Bridges, Gates and Stiles, that are to be made in the same Fields, Meadows, Pastures, Commons and Grounds, or any of them, for the private Convenience of the said Proprietors, or any of them, and how and by whom and in what Time the same shall respectively be made, and thereafter repaired, maintained and cleansed, and also to direct the Course of Husbandry which shall be used within the said Fields, Meadows, Pastures, Commons and Grounds, from the
 16 Time of the Passing this Act until the Allotments intended as aforesaid shall be compleated; and to value, ascertain and award, how much shall be paid to each Tenant or Owner for Damage which shall be done by cutting any Ditches on another Person's Wheat or Barley Land, or for standing of Wheat or Barley, or other Corn, by Tenants to the Owners; and also to set forth, order, and do all and every other Matter and Thing for the perfecting and compleating the said Division and Inclosure according to the Intent of this Act, as they the said Commissioners, or any Two of them, shall think necessary or convenient.

For making
Recompence
for Damage
done by
making Ditches, &c.

And be it further Enacted, That after the said Highways and ^{Former Roads} Roads shall be so set out as aforesaid, it shall not be lawful for any ^{to be abolish-} Person or Persons to use any other Roads or Ways, either publick or private, in or over the said Fields, Meadows, Pastures, Commons or Grounds, either on Foot or with Horses, Carriages or Cattle, and that all such Publick and Common Highways, when so ascertained, laid out and appointed as aforesaid, shall from Time to Time be repaired by the Township of *Snainton*, in such manner as hath been heretofore accustomed, and as by the Laws of the Land they are obliged to repair the present Highways within the said Township; and that all the former Roads and Ways which shall not be set out and appointed as the Roads and Ways through the said intended Allotments, shall be
 17 deemed Part of the Lands to be divided, and shall be allotted accordingly as Part thereof.

C

And

Award.

And be it further Enacted, by the Authority aforesaid, That within Six Calendar Months after the said Division shall be made of the said Open Fields, Meadows, Pastures, Commons and Grounds so intended to be inclosed as aforesaid, and after the Tythe Rents to be paid for such Old Inclosures as aforesaid, shall be so settled and ascertained as aforesaid, or so soon after as conveniently may be, the said Commissioners, or any Two of them, shall form and draw up an Award or Instrument, which shall express, denote and contain the Quantity in Statute-measure, as well of the said Old Inclosures so intended to be surveyed, as of the said several Open Fields, Meadows, Pastures, Commons and Grounds so proposed and intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Parcel thereof assigned and allotted to the respective Proprietors and Persons interested therein as aforesaid, upon such Division as aforesaid, in pursuance of this Act, and a Description of the Situation, Butta's and Boundaries of the same Parcels and Allotments respectively, and Orders and Directions for fencing the same, and laying out and making proper Roads, Ways, Passages, Watercourses, Bridges, Gates and Stiles, in, over and through the same, and when and by whom the 18 same respectively shall be made, cleaned, maintained and repaired, and shall also contain the several Tythe Rents, which they, or any Two of them, shall settle, ascertain and appoint to be paid as aforesaid, and the Persons Names by and to whom the same shall respectively be paid, and a Description of the several Inclosures, in respect whereof the same Rents shall respectively be payable; and also contain such other Orders, Regulations and Determinations, as shall be proper and necessary to be inserted therein, conformable to the Tenor and true Meaning of this Act: And that Two Parts of the said Award or Instrument shall be fairly ingrossed and written upon Parchment, and sealed and signed by the said Commissioners, or any Two of them, One Part whereof shall be inrolled at the public Register Office, established at *North Allerton*, by an Act of Parliament, made in the Eighth Year of the Reign of his late Majesty King *George* the Second, for the public registering of all Deeds, Conveyances and Wills, affecting Lands in the North Riding of the County of *York*; and the Register of the said Office, or his Deputy, is hereby required to inrol the same, and the Oath to be taken and subscribed by the said Commissioners as aforesaid, in the proper Book for inrolling of Bargains and Sales of Land, and a true Copy of such Inrolment, certified under the Hand of the 19 said Register or his Deputy, shall from Time to Time be admitted and allowed in all Courts whatsoever as legal Evidence of the same; and after inrolling the same as aforesaid, shall be lodged or deposited in the Hands of the said *John Cayley*, or his Heirs, to the End that Recourse may be had to the same by the Persons interested in the said Division and Inclosure; and the said Register or his Deputy shall be intitled to such

such Fees for such Inrolment and Copies thereof, or of any Part thereof, as are allowed him by the same Act for inrolling any Deed of Bargain and Sale, and Copy thereof: And the said Register or his Deputy, shall permit and suffer any Person or Persons whatsoever, from Time to Time, and at all Times within the Office Hours of Attendance, to peruse and inspect the Inrolment of the said Award and Oath at the said public Office, paying to the said Register or his Deputy for every such Perusal or Inspection, One Shilling, and no more; and the other Part of the said Award or Instrument shall be deposited in the Office of his Majesty's Clerk of the Council of the Duchy of *Lancaster*, who is hereby required to file the same; and a Copy thereof, under the Hand of the said Clerk of the Council, or his Deputy for the Time being, shall from Time to Time be admitted and allowed in all Courts whatsoever as legal Evidence of the
 20 same; and the said Award shall be binding and conclusive to all Parties.

And be it further Enacted, by the Authority aforesaid, That when the said Open Fields, Meadows, Pastures, Commons and Grounds, shall be set out, ascertained and allotted by the said Commissioners, or any Two of them, by such Award, Instrument or Writing as herein before-mentioned, the several Allotments thereby to be made, shall within Six Calendar Months after the Signing and Sealing thereof by the said Commissioners, or any Two of them as aforesaid, be accepted by the several and respective Persons to whom such Allotments shall be respectively made, and shall be by them respectively (except by the said Curate of *Ebberston* aforesaid, who is not to be at any Expence of first inclosing his Allotment) at their respective Costs and Charges, within the same Time, inclosed, hedged, ditched and fenced, in such manner as the said Commissioners, or any Two of them, shall by such their Award, order and direct (provided that no Person shall be obliged to fence against any Lands already inclosed) and that the several Lands and Grounds to be by the said Award respectively allotted to and for the several Persons who by Virtue of this Act shall be intitled to the same, shall be in full
 21 Bar of, and Satisfaction and Compensation for his, her, and their several Pieces and Parcels of Ground which they respectively had before the Passing of this Act, or immediately before the said Allotments made, and which were and are lying dispersed in the said Open Fields, Meadows, Pastures, Commons and Grounds; and that the same, and also the several Tythe Rents to be settled and ascertained as aforesaid, shall be in full Bar of, and Satisfaction and Compensation for all Right of Tythes and Ecclesiastical Dues, in lieu of which Lands or Rents shall be allotted, pursuant to the Directions herein before contained, and also in full Bar of and Satisfaction and Compensation for all Right of

Time for accepting Allotments limited.

And Fencing.

Allotments to be in bar of former Property.

Right of
Common and
Tythe to
cease.

of Common, or Common of Pasture, in or upon the said Open Fields, Meadows, Pastures, Commons and Grounds so to be divided and inclosed, or any of them, or any Part or Parcel thereof; and that immediately from and after the making of the said Division and Allotments, and the Execution of the said Award or Instrument, by the said Commissioners, or any Two of them, or at such Time or Times as the said Commissioners, or any Two of them, shall by their said Award or Instrument or otherwise appoint, all Right of Common and of such Tythes and Ecclesiastical Dues as aforesaid (except Surplus Fees arising in the said several Parishes) shall cease, determine, and for ever be extinguished.

Curate's Al-
lotment to be
Ring-fenced.

Provided always, and it is hereby Enacted, That the Allotment to be made to the said *George Dodsworth*, as Curate or Minister, as aforesaid, shall, for the first Time, be fenced and ditched, and set with Quicks, and properly guarded by Posts and Rails, at the com- 22
mon Expence, and out of the Money to be raised as hereafter men-
tioned, for defraying the Expences of this Act, and putting the same
in Execution.

Commission-
ers to inclose
when Parties
neglect.

And be it further Enacted, by the Authority aforesaid, That in case any Person or Persons shall refuse or neglect to inclose, hedge, ditch and fence his, her or their Share or Allotment, within Twelve Calendar Months next after executing the said Award by the said Commissioners, or any Two of them, then it shall be lawful for them the said Commissioners, or any Two of them, to inclose, hedge, ditch or fence the Shares or Allotments of such Person or Persons respectively; the Expences whereof to be paid in Manner herein after directed.

Leases at Rack
Rent to be
void.

And be it Enacted, That all and every Lease and Leases at Rack-Rent, subsisting, of all or any Part or Parts of the said Open Fields, Meadows, Pastures, Commons and Grounds, hereby intended to be inclosed, and all other Agreements for any Time or Term therein, at Rack-Rent, shall immediately upon such Allotments and Divisions being made, and such Award or Instrument being executed as aforesaid, or so soon after as the said Commissioners, or any Two of them, shall by the said Award or Instrument appoint, cease, determine, and be void (in case the Lessors and Lessees therein do not otherwise between or amongst themselves agree) the respective Owners or Proprietors of or in the said Open Fields, Meadows, Pastures, Commons and Grounds, who have made any such Lease or Leases or Agreements, making such 23
Satisfaction to such Lessee or Lessees, Tenant or Tenants, as the said
Commissioners, or any Two of them, shall ascertain as reasonable to
be paid to such Lessee or Lessees, Tenant or Tenants, on account
thereof,

thereof, or as an Equivalent for his, her or their Term or Terms therein.

Provided always, and it is hereby further Enacted and De- ^{Impowering Guardians to accept.}
clared, by the Authority aforesaid, That the Guardians, Husbands, Trustees, Committees or Attornies of, or any Person or Persons acting as Guardians, Trustees, Committees or Attornies, for any Person or Persons, being a Minor or Minors, or otherwise incapable by Law to accept any such Allotments as shall be made by the said Commissioners, or any Two of them, shall be and are hereby enabled and required to accept thereof, for and to the Use of such Person or Persons; and also, that any Person or Persons intitled to any Allotment or Allotments, as Tenant or Tenants for Life or Lives, shall be, and is and are hereby respectively enabled to take and accept of any such Allotment or Allotments, and every such Acceptance respectively shall be and is hereby declared to be valid and effectual, any thing herein contained to the contrary notwithstanding.

Provided nevertheless, That the Non-claim or Non-acceptance ^{Non-acceptance not to bar.} of any Guardian, Husband, Trustee, Committee or Attorney, or of any Person acting as such respectively, shall not exclude or prejudice the Claim or Acceptance of any Person, being an Infant, Feme Covert, beyond the Seas, or under any Disability or Incapacity as aforesaid, who shall claim or accept his, her or their Allotment or Allotments, within Twelve Calendar Months after such Disability or Incapacity shall be removed, or prejudice the Claim or Acceptance of any Person or Persons intitled as Heir, or in Remainder, after the Death of any Person dying under such Disability or Incapacity, who shall claim or accept within Twelve Calendar Months after his, her or their Right, Title or Interest shall be known to have descended, vested or accrued.

Provided always, and be it further Enacted, That nothing in ^{Act not to alter Wills, Deeds, &c.} this Act contained shall extend, or be construed, adjudged or taken to extend; to revoke, make void, alter or annul any Will or Wills, Settlement or Settlements, or to prejudice any Person or Persons, having or claiming any Right of Dower, Jointure, Portion, Annuity, Debt, Rent, Mortgage, Incumbrance or other Demand, out of, upon or affecting any such Tythes intended to be extinguished as aforesaid; or any Lands or Grounds so intended to be inclosed and divided as aforesaid, or any Part or Parcel thereof respectively, (other than and except such Lease or Leases, or Agreements for any Lease or Leases, as aforesaid) but that each and every Proprietor shall stand and be seised of and in the several Lands and Grounds to be assigned and allotted to him, her or them as aforesaid, by the said intended Division
D and

and Inclosure as aforesaid, to such and the same Use and Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Powers, Provisoes, Limitations, Trusts, Tenures, Charges, Annuities, Mortgages Rents, Incumbrances and Demands, (other than and except such Lease or Leases, or Agreements for any Lease or Leases as aforesaid) as he, she or they respectively would have stood seised of, in his, her or their Tythes or Lands, Interests or Property, for which, or in respect whereof such Allotments shall be made, in case this Act had not been made; and the Person or Persons to whom such Lands, charged with or subject to any such Incumbrances as aforesaid, shall be allotted, or the same Lands shall not be chargeable therewith, but the Person or Persons intitled to such Rents, Mortgages, Charges and Incumbrances as aforesaid, shall have such and the same Remedies and Powers relating thereto, in, upon or out of the new Allotments to be made as aforesaid, to any Proprietor or Proprietors, whose present Estates are chargeable with or subject to such Incumbrances as aforesaid, as he, she or they now have in such Estates; any thing herein contained to the contrary notwithstanding.

For choosing
new Commis-
sioners or Sur-
veyor.

And be it further Enacted, by the Authority aforesaid, That if any one or more of the Commissioners, or the Surveyor appointed by this Act, or who shall have been elected in the Manner herein after mentioned, shall, before the Execution of all the Powers and Authorities hereby in them respectively vested, die, or refuse to act, the remaining or surviving Commissioners, or the major Part of them, shall 26 and are hereby required, from Time to Time, by Writing under their Hands and Seals, within Two Calendar Months next after such Death or Refusal shall happen or be known, appoint one other Commissioner or Surveyor, not interested in the said intended Division, instead of such Commissioner or Surveyor so dying or refusing to act; and every such Commissioner and Surveyor so to be appointed, shall have the like Authority to act in the Execution of this Act, as the Commissioner or Surveyor in whose Place he shall succeed is hereby vested with; which Writing or Writings shall be inrolled in such Manner as the Award or Instrument is herein before directed to be inrolled, and a true Copy thereof, under the Hand of the said Register, or his Deputy, shall be admitted as Evidence, in like Manner as a Copy of the Inrolment of the said Award, so certified as aforesaid, is herein before directed to be admitted and allowed.

For paying
the Expences
of the Act.

And be it further Enacted, by the Authority aforesaid, That the reasonable Costs and Charges incident to and attending the Passing this Act, and of the surveying, dividing and allotting the said Open Fields, Meadows, Pastures, Commons and Grounds hereby intended to be inclosed, and of the hedging, ditching, fencing and inclosing the Allotment

lotment or Allotments to be made to the said *George Dodsworth*, or
 27 the Curate of *Ebberston* aforesaid for the Time being, as aforesaid, and
 of the preparing and inrolling the said Award or Instrument, and all
 other reasonable Charges and Expences of the Commissioners, and
 other proper and necessary Expences in the executing this Act, shall,
 from Time to Time, as the same shall respectively accrue, be borne,
 paid and defrayed by the several Persons to whom any Part of the said
 Lands and Grounds shall be allotted by virtue of this Act, (except the
 said *John Cayley*, Sir *George Osborn*, and the said Curate of *Ebberston*)
 with respect to their said Allotments, in Lieu of Tythes and Ecclesi-
 astical Dues, as aforesaid; and also except the said *John Hill* as Les-
 see as aforesaid, in Proportion, or as near as may be to their respective
 Shares and Interests therein, such Proportions to be from Time to
 Time settled, adjusted and ascertained by the said Commissioners, or
 any Two of them: And in case any Person or Persons shall refuse or
 neglect to pay his, her or their Proportion or Proportions, so to be
 from Time to Time adjusted and ascertained, of all or any Part of the
 respective Charges or Expences aforesaid, or the Charges and Expen-
 ces of hedging, ditching, fencing or inclosing his, her or their Shares
 or Allotments, or the Shares or Allotments of the said *George Dodf-*
worth, within the Time to be limited by the said Commissioners, or
 any Two of them, to such Person or Persons, as they, or any Two
 28 of them, shall appoint to receive the same; then and in either of the
 said Cases, it shall and may be lawful for the said Commissioners, or
 any Two of them, from Time to Time, by Warrant or Warrants
 under their Hands and Seals, to levy the same by Distress and Sale
 of the Goods and Chattels of the Person or Persons so refusing or
 neglecting to pay the same, or by Distress and Sale of any Cattle or
 Goods being upon the Allotment or Allotments of the Person so re-
 fusing or neglecting to pay, rendering the Overplus (if any) on De-
 mand, to the Owner or Owners of such Goods, Cattle and Chattels,
 the reasonable Charges of such Distress and Sale being first de-
 ducted.

Provided always, That the said *John Cayley*, his Heirs or As-
 signs, or the said Sir *George Osborn*, or his Heirs, Executors or Ad-
 ministrators, or the Lessee for the Time being of the Dean of *York*,
 or the said *George Dodsworth*, or the Curate for the Time being of
Ebberston aforesaid, or either of them, in respect of the Lands to be
 allotted to them respectively, for and in lieu of Tythes and Ecclesi-
 astical Dues only, or the said *John Hill*, as Lessee of the Crown as
 aforesaid, or his said Majesty, his Heirs or Successors, Lessees of
 the said Honor of *Pickering* as aforesaid, or any Part thereof, or the
 said *Mark Sykes*, or the Owners of any of the old Inclosures within
 the said Township, in respect of such old Inclosures only, shall not
 be

Lessees and
 Curate not to
 bear any Part
 of the Ex-
 pences.

Be chargeable with, or liable to pay any Part or Proportion of the Costs, 29
Charges and Expences aforesaid.

For borrow-
ing Money.

And whereas several of the Owners and Proprietors of Allotments to be made by Virtue of this Act, may have Occasion to borrow Money to pay and defray their respective Shares and Proportions of the Charges and Expences incident to, and attending the obtaining and Execution of this Act, and of inclosing their respective Allotments, and cannot, by Reason of some Settlement or Settlements, or other Incapacity or Impediment respectively, make effectual Securities for the Money that may be lent for those Purposes; **Be it therefore Enacted**, by the Authority aforesaid, That it shall and may be lawful, to and for any of the Persons to whom any such Allotment shall be made by Virtue of this Act, being Tenants for Life or in Tail, and also to and for the Husbands, Guardians, Trustees, Committees or Attornies of, or any Person or Persons acting as Guardians, Trustees, Committees or Attornies, for any Charity or Charities, or for such of the said Owners or Proprietors as shall be under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and every of them respectively for the Time being, by Writing under their Hands and Seals, from Time to Time to charge the Lands and Grounds which shall be assigned and allotted to them the said Owners and Proprietors respectively, by Virtue of this Act, with such Sum or Sums of Money, (not exceeding 30
Forty Shillings for every Acre) to be applied for the Purposes before mentioned, and for no other Purposes, as the said Commissioners, or any Two of them, shall direct and appoint: And for securing the Repayment of such Sum and Sums of Money, with Interest, the Person or Persons borrowing the same respectively, may, by Indenture or other Deed under his, her or their Hand and Seal, or Hands and Seals, and attested by Two or more credible Witnesses, or by Surrender, Grant, Mortgage, Lease or Demise, surrender his, her or their own specifick Allotment or Allotments of any such Lands or Grounds as aforesaid, for any Term or Number of Years, or otherwise, according to the Nature of the Estate unto or in Trust for such Person or Persons as shall advance and lend such Money, so as every such Grant, Mortgage and Demise, shall be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and do also contain a Covenant to pay and keep down the Interest of the Money thereby secured, during his, her or their respective Lives; and no Person afterwards becoming possessed of any such Lands or Grounds, shall be liable to pay any further or larger Arrear of Interest than for 31
One Year preceding the Time that the Title to such Possession shall

shall have commenced; and that every Grant, Mortgage, Lease or Demise, so to be made in Pursuance of this Act, shall be good, valid and effectual in the Law, for the Purposes thereby intended, notwithstanding the want of legal Title in the said Husbands, Guardians, Trustees, Committees or Attornies, or in the said Tenants in Tail or for Life, any Settlement, Will, Trust, Use, Remainder or Limitation to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, to whom any Grant, Mortgage, Lease or Demise shall be made by Virtue of this Act, or who shall be intitled to the Money thereby secured, may from Time to Time, by any Deed or Deeds, Writing or Writings, under his, her or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign or transfer the same Security or Securities, or the Principal and Interest Money thereby secured, and all Benefit and Advantage thereof, and all his, her or their Right, Title and Interest, in and to the same, unto any Person or Persons whomsoever, who may again, in like Manner assign the same, and so *toties quoties*: And such Mortgagee or Mortgagees, Assignee or Assignees, his, her or their Executors and Administrators, and all Persons claiming under them, or any of them, shall and may use, take and pursue, all such lawful Methods, Courses and Expedients, at Law or in Equity, for recovering and obtaining the Possession of the Premises so to be mortgaged, demised or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest, to be thereby secured, or any Part thereof, as is or are used, taken or pursued, in Cases of the like Nature.

And be it further Enacted, by the Authority aforesaid, That it shall not be lawful for any Person or Persons to graze or keep any Sheep or Lambs upon any of the Lands and Grounds intended to be divided and inclosed by virtue of this Act, or in any Ways, Lanes or Passages, on either Side whereof any new Fence shall be made, for the Space of Seven Years next after the Day on which the said Commissioners, or any Two of them, shall for that Purpose appoint, or to keep any Asses, Sheep, Hogs, Horses, or other Cattle, loose in the said Lanes or Passages, for the Space of Ten Years from the signing the said Award.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or any Two of them, shall, and they are hereby required to give, or cause to be given, public Notice in the Parish Churches of *Brompton* and *Ebberston* aforesaid, upon a Sunday immediately after Divine Service, and by Writing to be affixed on the Doors

of the said Churches, and also in the *York Courant*, of the Time and Place of their first and every subsequent Meeting, for the Execution of this Act, at least Fourteen Days before any such Meeting shall be held, Meetings by Adjournment only excepted.

Lands may be
entered for
surveying, &c.

And be it further Enacted, by the Authority aforesaid, That for the surveying and measuring the said Fields, Meadows, Pastures, Commons and Grounds, and old Inclosures, and making such Division and Allotments as aforesaid, all and every the Surveyor and Commissioners hereby appointed, together with their and each of their Servants or Assistants, shall and they have hereby full and free Power and Authority, at any Time or Times whatsoever, to enter into, view and examine, survey and admeasure, all and every the said Lands and Grounds so to be inclosed as aforesaid, and also the said old Inclosures.

Allowing
Exchange.

And it is hereby further Enacted, by the Authority aforesaid, That for the more convenient Disposition and Situation of the several Farms and Lands of the respective Owners and Proprietors as aforesaid, upon the said intended Division, it shall and may be lawful, to and for all or any of the several Persons seized, possessed of, or interested in the several Messuages, Cottages, Tenements, Frontsteads, ancient inclosed Lands, or other Lands and Grounds within the said Township of *Snainton*, to exchange the same, or any Part thereof, according 34 to their Estates and Interests therein, for any other Messuages, Cottages, Tenements, Frontsteads, ancient inclosed Lands, or other Lands and Grounds within the said Township, so as all and every such Exchange and Exchanges, be made by and with the Consent and Approbation of the said Commissioners, or any Two of them, such Exchange and Exchanges to be ascertained, and such Consent and Approbation, to be specified and declared in the Award or Instrument to be made and executed as herein before mentioned.

Commission-
ers to deter-
mine Differen-
ces.

And for the better ascertaining the Rights and Claims of the Parties interested as aforesaid; Be it further Enacted, by the Authority aforesaid, That in case any Dispute or Difference shall arise between any of the Parties interested in the said intended Inclosure, (except as is herein after mentioned and provided for) concerning their respective Shares, Rights and Interests, which they or any of them now have, or may before the said Division, claim to have in the Lands and Grounds hereby intended to be divided and allotted, or concerning their respective Shares or Proportions, which they or any of them ought to have of and in the said intended Division, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby required by Examination of Witnesses upon Oath (which Oath, they the said Commissioners, or any One or 35 more

more of them, are and is hereby authorized and impowered to administer) and upon other proper and sufficient Enquiry, Evidence and Satisfaction, to hear and finally determine the same; and such Determination being set forth in the Award or Instrument herein before-mentioned to be made by them, shall be binding and conclusive to all Parties.

And be it further Enacted, That all and every the Claim and Claims of Right of Common, or other Property, Right or Interest, in any of the Lands and Grounds above mentioned, except as to the Allotments for Tythes and Right of Soil, which shall appear doubtful to the said Commissioners, or any Two of them, or to which any Objection shall be made by any of the Parties interested, or their respective Agents, at the next Meeting of the same Commissioners, pursuant to this Act, after such Claim shall be delivered in, shall be heard, examined, and finally determined, by *Peter Johnson*, of the City of *York*, Esquire, and *Tomlinson Bunting*, of the same City, Esquire, who are hereby appointed Arbitrators for the Purposes aforesaid; and the said Arbitrators, or such Umpire as they shall appoint, in case of Disagreement between them, which they are hereby authorized and directed to elect and appoint, shall, with all convenient Speed, proceed to hear and determine all such Claims and Objections, upon their own View, the Examination of Witnesses upon Oath, 36 (which Oath either of the said Arbitrators is hereby impowered to administer) or by such other Evidence, Proof, Ways or Means, as by them the said Arbitrators shall be thought proper: And the said Arbitrators shall make and execute their Award in Writing under their Hands and Seals, concerning the Matters so referred to them, within Six Months next after the passing of this Act, or as soon thereafter as conveniently may be; and such Award shall be conclusive to all Parties whatsoever, and shall be inrolled, together with the other Awards hereby directed to be made; and the same, or a Copy thereof, or the Inrolment thereof, or a Copy of such Inrolment, or of any Part thereof respectively, shall be allowed as Evidence in all Courts whatsoever; and the like Fees shall be paid for the said Award of the said Arbitrators, as are herein directed, concerning the Awards of the said Commissioners.

And be it further Enacted, That if either of the said Arbitrators or Umpire shall die, or refuse to act, the said Commissioners, or any two of them, shall, and they are hereby required, by Writing under their Hands and Seals, from Time to Time, to elect and appoint one fit Person, being a Barrister at Law, in the Place of such Arbitrator so dying or refusing to act; which Person so elected or appointed shall and may act in the Premises, as fully, to all Intents and Purposes, as

if he had been hereby appointed and named Arbitrator; which 37
Writing or Writings of Appointment shall be inrolled, and the Evi-
dence thereof given in the same Manner as herein before is enacted
concerning the Award to be made by the said Commissioners.

For leaving
Gaps.

And be it Enacted, That such convenient Openings shall be left in
the said Fences and Inclosures, and for such Time as the said Com-
missioners, or any Two of them, shall direct, for the Passage of
Cattle, Carts and Carriages through the same, unless the Majority of
the Parties interested shall agree that the same shall be sooner made up
and inclosed.

Allotment
for Gravel.

And it is further Enacted, by the Authority aforesaid, That the
said Commissioners, or any Two of them, shall and may, before the
making of such Division and Allotments as aforesaid, allot and set out
such Parcel or Parcels of Land upon the said Fields, Meadows, Pastures,
Commons and Waste Grounds, or any of them, in such Part or Parts
thereof as they the said Commissioners, or any Two of them, shall think
most proper for the digging for and getting Gravel and other Materials
for the Repairs of the Highways, public and private Roads within
the said Township of *Snainton*.

For preserving
Lords Rights.

Provided always, and be it enacted by the Authority aforesaid,
That nothing in this Act contained shall extend or be construed to ex- 38
tend, to defeat, lessen or prejudice the several Rights, Titles and In-
terests of the said *John Hill*, as Lord Paramount as aforesaid, or of the
said *Sir George Cayley* and *Boynton Langley*, Lords of the said Manor
of *Snainton*, of, in and to the Seignior and Royalties incident and
belonging to the said Honor of *Pickering*, and Manor of *Snainton*
respectively; but that they, and the Lord or Lords of the said Honor
and Manor for the Time being respectively, shall and may from Time
to Time and at all Times for ever hereafter, hold and enjoy all Rents,
Services, Courts, Perquisites and Profits of Courts, Goods and Chattels
of Felons, and Fugitives, Felons of themselves, and put in exigent Deo-
dands, Waifs, Estrays, Forfeitures, and all Rights, Royalties, Privi-
leges and Appurtenances to the said Honor and Manor, or the Lord or
Lords thereof respectively for the Time being, incident, appendant,
belonging or appertaining (other than and except such Right of Com-
mon, and Interest in the Soil, as could or might be claimed by them,
or any of them, as Lord or Lords as aforesaid or otherwise, upon the
Premises intended to be inclosed by Virtue of this Act) in as full,
ample and beneficial a Manner, to all Intents and Purposes, as he or
they would or might have enjoyed the same, in case this Act had not
been made.

Saving

Saving always, to the King's most Excellent MAJESTY, his ^{General} Heirs and Successors, and to all and every other Person and Persons, ^{saving.}
 39 Bodies Politick or Corporate, his, her and their Heirs, Successors, Executors and Administrators (other than and except the respective Persons to whom any Allotment or Allotments of Lands, Rent or Rents, or Compensations, shall be made by virtue of this Act, in respect of the Interest or Property for which such Allotments or Compensations shall be made; and other than such Tenant or Tenants at Rack Rent, whose Lease or Leases, or Agreement for Lease or Leases, shall be made void by Virtue of this Act, in respect only of such Lease or Leases, or Agreements) all such Estates, Right, Title and Interest, as they, every or any of them had or enjoyed, of, in, to or out of the said Open Fields, Meadows, Pastures, Commons and Grounds, so intended to be divided and inclosed as aforesaid, before the Passing this Act, or could or might have had or enjoyed in case the same had not been made.

A C T

A N

For dividing and inclosing the Open
Arable Fields, Meadows, Pas-
tures, Commons, and Grounds,
within the Townships of Snain-
ton, in the Parishes of Bromp-
ton and Ebberton, in the North
Riding of the County of York.

